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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CR No. 12-mj-70502 JCS  
Plaintiff, )  
v. )  
JOHNNY RAY BURTON, and ) **STIPULATION AND [PROPOSED]**  
DAWN MONIQUE MCCANN, ) **ORDER CHANGING HEARING DATE**  
Defendants. ) **AND EXTENDING TIME LIMITS**

The Court has set May 15, 2012 as the date for a preliminary hearing or arraignment for the defendant.

The parties hereby stipulate to move the preliminary hearing / arraignment date to May 31, 2012, and they request that the Court extend the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161.

Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of time, and the parties represent that good cause exists for this extension, including the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends

1 of justice served by granting such an exclusion of time outweigh the best interests of the public  
2 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3  
4 SO STIPULATED:

5 MELINDA HAAG  
United States Attorney

6 DATED: May 14, 2012

7 \_\_\_\_\_/s/  
8 KEVIN J. BARRY  
Assistant United States Attorney

9 DATED: May 14, 2012

10 \_\_\_\_\_/s/  
11 JULIA MEZHINSKY JAYNE  
12 Attorney for JOHNNY RAY BURTON

13 DATED: May 14, 2012

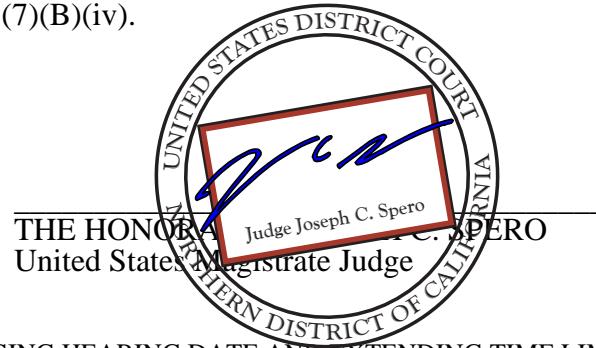
14 \_\_\_\_\_/s/  
15 ERIC MATTHEW HAIRSTON  
16 Attorney for DAWN MONIQUE MCCANN

17 **[PROPOSED] ORDER**

18 Pursuant to agreement of the parties, the Court sets May 31, 2012, as the date for the  
19 arraignment / preliminary hearing. The Court also finds that extension of the time limits  
20 applicable under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through  
21 May 31, 2012, is warranted; that exclusion of this period from the time limits applicable under  
22 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance under Rule 5.1  
23 outweigh the interests of the public and the defendant in the prompt disposition of this criminal  
24 case; and that the failure to grant the requested exclusion of time would deny counsel for the  
25 defendant and for the government the reasonable time necessary for effective preparation and  
26 continuity of counsel, taking into account the exercise of due diligence, and would result in a  
27 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

28 IT IS SO ORDERED.

DATED: 5/15/12



STIPULATION & [PROPOSED] ORDER CHANGING HEARING DATE AND EXTENDING TIME LIMITS  
CR 12-mj-70502 JCS